

EXHIBIT A

DEPOSITION OF JOAN L. ORZO

VALERIE D. WATSON-SMITH

VS.

SPHERION PACIFIC WORKFORCE, LLC.

May 30, 2008

CONDENSED TRANSCRIPT AND KEYWORD INDEX



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1 Q Do you have any duties or responsibilities
2 regarding meal period records for Spherion employees?
3 MR. SANDERSON: Objection. Vague.
4 THE WITNESS: Can you repeat the question for
5 me, please.
6 MR. QUALLS: Yes, ma'am.
7 Could you read back the question, please.
8 (The deposition officer read back the question
9 as follows:
10 "QUESTION: Do you have any duties or
11 responsibilities regarding meal period records for
12 Spherion employees?")
13 THE WITNESS: I don't have responsibility for
14 records.
15 BY MR. QUALLS
16 Q Before coming here today, did you undertake
17 any investigation to learn information regarding
18 Spherion procedures and policies regarding meal period
19 records for Spherion employees?
20 MR. SANDERSON: Objection. Vague.
21 THE WITNESS: If I understand your question
22 correctly, you want to know if I did anything special
23 before coming here --
24 BY MR. QUALLS
25 Q Yes, ma'am.

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1 A -- in that regard?
2 Q Yes, ma'am.
3 A No.
4 Q To your knowledge, when branch personnel
5 process manual meal period records for Spherion
6 employees, do they read the records to determine if the
7 records depict meal periods not taken?
8 A I -- I don't have any knowledge of that.
9 Q To your knowledge, does that take place?
10 A No.
11 Q When branch managers -- excuse me. Withdraw
12 the question.
13 When branch personnel process manual time
14 sheets for Spherion employees, is any effort made to
15 determine if Spherion employees are entitled to an
16 additional hour of compensation for missed meal breaks?
17 MR. SANDERSON: Objection. Vague, ambiguous.
18 Calls for a legal conclusion.
19 BY MR. QUALLS
20 Q You can answer.
21 A If it's -- as people are processing time
22 sheets, if they notice an employee is not taking a
23 lunch, we would typically go back to the client and ask
24 them why, to find out what took place there.
25 Q And how do you know that happens?

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1 A I don't.
2 Q You have no knowledge of whether or not that
3 ever takes place; correct?
4 A I don't have firsthand knowledge, no.
5 Q Has anyone ever told you that that process
6 takes place?
7 A Yes.
8 Q Who?
9 A Managers will call, and they'll say that they
10 have seen an employee that hasn't taken a lunch, and
11 what should they do about that. I tell them they need
12 to go back and find out why.
13 Q In a circumstance where an employee has not
14 taken a lunch, as depicted on a manual time sheet, is
15 the employee paid an extra hour of compensation?
16 A They're paid for the time that they worked.
17 Q Are they paid an additional hour's
18 compensation, where the meal period record depicts a
19 meal period not taken?
20 A I don't know.
21 Q Have you ever instructed anyone at any time
22 that employees for whom meal period records maintained
23 manually or electronically depict a meal period not
24 taken, they are to be paid an extra hour of
25 compensation?

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1 A I've told managers that's a potential,
2 depending upon the circumstances.
3 Q Have you ever instructed anyone to pay an
4 employee an extra hour of compensation for a meal period
5 not taken as depicted on a meal period record?
6 A I've never been asked that question. So no.
7 Q To your knowledge, has Spherion ever paid an
8 employee an additional hour of compensation where the
9 employee's meal period record depicts a meal period not
10 taken?
11 MR. SANDERSON: Objection. Calls for
12 speculation.
13 BY MR. QUALLS
14 Q You can answer.
15 A I have no knowledge of that.
16 Q To your knowledge, do pay statements provided
17 to Spherion employees identify compensation paid for the
18 absence of meal period breaks?
19 MR. SANDERSON: Objection. Vague and
20 ambiguous.
21 Do you understand it?
22 THE WITNESS: I do. I think I do. If I
23 understand it correctly, you're asking if the pay
24 statement that a temporary employee would receive would
25 show where they were paid when they didn't take a meal

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1 break?
 2 BY MR. QUALLS
 3 Q Yes.
 4 A Is that correct?
 5 Q Yes.
 6 A I don't have that information. I don't know.
 7 Q Have you ever seen such a pay statement?
 8 A No.
 9 Q Has anyone ever told you that such a pay
 10 statement has ever existed?
 11 A No.
 12 MR. SANDERSON: Can I get clarification.
 13 Maybe I don't understand. Maybe I'm the only one.
 14 You're talking about a pay statement that would show the
 15 additional hour of compensation, not the time worked?
 16 MR. QUALLS: Or hours. Additional
 17 compensation for missed meal period breaks.
 18 MR. SANDERSON: In terms of -- the penalty
 19 wage; right?
 20 MR. QUALLS: Well, yes. We can quibble over
 21 what it is. But right. The compensation for a missed
 22 meal period break.
 23 MR. SANDERSON: That's how you understood it;
 24 right?
 25 THE WITNESS: That it would reflect that

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1 additional hour. That's the question you asked; right?
 2 BY MR. QUALLS
 3 Q Yes, ma'am.
 4 A And I'm not aware of that, no.
 5 Q Is it the policy and practice of Spherion to
 6 pay an additional hour of compensation where a meal
 7 period record depicts a meal period not taken by a
 8 Spherion employee?
 9 A Again, it would have to be determined as to
 10 why the meal period was missed.
 11 Q Is that policy and practice written anywhere?
 12 A Spherion has a reference manual that outlines
 13 the required meal period for California employees, and
 14 further states -- again, this isn't exact, but it
 15 further states something to the effect that if in fact a
 16 meal period is not offered, an employee may be due an
 17 additional eight hour -- an additional one hour of
 18 compensation.
 19 Again, I don't think that's exact. I think
 20 that's my paraphrasing, but...
 21 Q Is it the policy and practice of Spherion that
 22 only in the circumstance where a meal period is not
 23 offered to an employee, is a Spherion employee entitled
 24 to an additional hour of compensation for a missed meal
 25 period?

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1 A If it's not offered?
 2 Q Yes, ma'am.
 3 A If it's not offered and if in fact -- yeah, if
 4 it's not offered. Right.
 5 Q If a meal period record -- withdraw the
 6 question.
 7 I'm going to ask questions about meal period
 8 records today. I'm going to include in that description
 9 all types of records, be they manual, electronic, or
 10 otherwise.
 11 Do you understand, ma'am?
 12 A I do.
 13 Q If a meal period record of a Spherion employee
 14 depicts a meal period taken after five hours of work, is
 15 it the policy and practice of Spherion to pay the
 16 employee an additional hour of compensation?
 17 A Repeat the question for me, please.
 18 MR. QUALLS: Sure.
 19 Repeat the question, please.
 20 (The deposition officer read back the question
 21 as follows:
 22 "QUESTION: If a meal period record of a
 23 Spherion employee depicts a meal period taken after five
 24 hours of work, is it the policy and practice of Spherion
 25 to pay the employee an additional hour of

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1 compensation?")
 2 THE WITNESS: It would not be. Meals have to
 3 be offered after five hours. Or should be offered after
 4 five hours of work.
 5 BY MR. QUALLS
 6 Q If a meal period record depicts a meal period
 7 taken of less than 30 minutes, is it the policy and
 8 practice of Spherion to pay the employee an additional
 9 hour of compensation?
 10 A We would pay them for the time worked.
 11 Q Would they be paid for an additional hour of
 12 compensation?
 13 A Again, it would have to be determined as to
 14 why they didn't take their lunch.
 15 Q In the circumstance where a meal period record
 16 depicts a meal period of less than 30 minutes, is it the
 17 policy and practice of Spherion to pay an additional
 18 hour of compensation only if a meal period is not
 19 offered?
 20 MR. SANDERSON: Objection. Vague.
 21 THE WITNESS: I understand your question.
 22 You're saying that a meal period has not been offered at
 23 all, and a meal period of less than 30 minutes has been
 24 recorded.
 25 BY MR. QUALLS

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1 (The deposition officer read back the answer
2 as follows:

3 "ANSWER: Yes.")

4 BY MR. QUALLS

5 Q More than 2,000?

6 MR. SANDERSON: Objection. Asked and
7 answered.

8 THE WITNESS: I would say yes.

9 BY MR. QUALLS

10 Q More than 3,000?

11 A Probably.

12 Q More than 4,000?

13 A I don't have the answer to that question.

14 Q Now with respect to temporary personnel, is it
15 your testimony that client or client personnel schedule
16 their meal periods?

17 A They provide work schedules to Spherion, and
18 if meals are not included in that work schedule, we
19 would ask the client to include them for our personnel.

20 Q My question is more specific than that.

21 A Uh-huh.

22 Q Does client or client personnel schedule meal
23 periods for temporary personnel?

24 A No.

25 Q Who schedules the meal periods?

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1 A Spherion adopts the work schedules to the
2 client we work for. If in fact meal periods are not
3 outlined in that work schedule, we would request that
4 one be included for our people.

5 Q And who is responsible for -- withdraw the
6 question.

7 Is it the case that temporary -- withdraw the
8 question.

9 Is it the case that client or client personnel
10 provide Spherion branch personnel with schedules for
11 flexible staff?

12 A Clients contact us with the work schedules
13 they need covered. I think that's the answer to your
14 question.

15 Q Is that before the temporary personnel is
16 placed at their site?

17 A Yes.

18 Q So, for example, a client would contact the
19 branch personnel and say I need a full-time
20 receptionist?

21 A Uh-huh.

22 Q Is that correct?

23 A Correct. And they would typically say it's
24 Monday through Friday from 8:00 to 5:00 or whatever
25 hours they would need covered.

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1 Q Do they provide any other scheduling
2 information in that step of the process to Spherion?

3 A I don't have firsthand knowledge of any of the
4 order received information.

5 Q Does -- are branch personnel instructed that
6 they are to ensure that schedules provided by clients
7 for temporary personnel that have yet to begin working
8 at a client site specifically include a meal period
9 break?

10 MR. SANDERSON: Objection. Vague.

11 THE WITNESS: I don't have knowledge of that.

12 BY MR. QUALLS

13 Q Have you ever instructed branch personnel to
14 do so?

15 A I have not. Personally.

16 Q To your knowledge, has anyone ever instructed
17 branch personnel to do so?

18 A Not to my knowledge.

19 Q Do clients provide written schedules to branch
20 personnel for flexible staff before flexible staff
21 arrive at a client site?

22 A I don't know.

23 Q Are clients required, to your knowledge, to
24 provide branch personnel with written schedules for
25 temporary personnel before temporary personnel work on a

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1 client site?

2 A I have no knowledge of that.

3 Q Are written contracts entered into between
4 clients and Spherion before flexible staff are assigned
5 to a client site?

6 A Sometimes.

7 Q Is it the case that if a client is a
8 continuing client, there is a contract in place and that
9 additional future placements are made pursuant to an
10 existing contract?

11 A Sometimes.

12 Q Are you aware of any contract terms between a
13 client and Spherion that specifically address the
14 subject of meal periods for flexible staff?

15 A No.

16 Q Is it the policy and practice of Spherion to
17 place flexible staff with clients without any specific
18 contractual requirement that clients provide meal period
19 breaks?

20 MR. SANDERSON: Objection. Vague.

21 BY MR. QUALLS

22 Q You can answer.

23 A I don't have any information -- I don't -- I
24 can't answer that.

25 Q Are you aware of any contractual requirement

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